

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

C.C., as parent and legal guardian of)	
Jane Doe, a minor,)	
Plaintiff,)	
)	No. 1:23-cv-255
-v-)	
)	Honorable Paul L. Maloney
MARCELLUS COMMUNITY SCHOOLS, <i>et al.</i> ,)	
Defendants.)	
)	

ORDER REINSTATING DEFENDANTS

On March 12, 2024, Plaintiff and seven defendants (all defendants except for Robert Dietzel) filed a stipulation and proposed order. The parties agreed to dismiss the seven defendants “without prejudice and without costs for the reason that a settlement has been reached between said parties and the only delay is with the processing of the probate matter due to claims asserted on behalf of a minor” (ECF No. 33 PageID.460). The parties anticipated that they would file a subsequent stipulation dismissing the seven defendants with prejudice when the probate process was complete. The Court entered the proposed order and dismissed the seven defendants (ECF No. 34).

Plaintiff and the seven defendants who were dismissed pursuant to the stipulation recently filed another stipulation and proposed order (ECF No. 39). The parties request the Court approve a settlement agreement. Plaintiff brought this lawsuit on behalf of a minor and the settlement resolves the claims brought on behalf of the minor. For such a settlement, the Michigan Court of Appeals interprets the relevant court rule, 2.420(B), as requiring a hearing. *Bowden v. Hutzel Hosp.*, 652 N.W.2d 529, 532-33 (Mich. Ct. App. 2002).

Because of the nature of the case and the basis for the request (approve a settlement), the Court cannot simply convert the dismissal without prejudice to a dismissal with prejudice.

Accordingly, the Court interprets the stipulation and proposed order as necessarily including a request by the defendants to be reinstated in this lawsuit. The Court **SETS ASIDE** the prior dismissal (ECF No. 34) and **REINSTATES** as defendants Marcellus Community Schools, Marcellus Community Schools Board of Education, Nanette Pauley, Melinda Bohan, Sarah Bischoff, Tammy Curtis, and Henry Essex.

IT IS SO ORDERED.

Date: May 21, 2024

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge